

**REMARKS**

Claims 25, 30-32, 35 and 36 are allowed. The Official Action has rejected Claims 1, 3, 5, 9-14 and 37 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In addition, the Official Action has rejected Claims 9, 11 and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,082,240 to Mark Albert Middione, et al. The Official Action also rejected Claims 12 and 14 under 35 U.S.C. § 103(a) as being obvious over the Middione '240 patent and Claim 10 under 35 U.S.C. § 103(a) as being obvious over the Middione '240 patent in view of U.S. Patent No. 2,710,113 to Donald J. Pritchard. Finally, the Official Action rejected Claims 1, 3, 5 and 37 under 35 U.S.C. § 103(a) as being obvious over the Middione '240 patent in view of U.S. Patent No. 4,523,278 to William L. Corsover, et al. and in further view of the Pritchard '113 patent. As described below, independent Claims 1 and 9 have been amended to be further patentably distinct from the cited references, taken either individually or in combination. In light of the amendments to independent Claim 9, dependent Claim 14 has also been amended for purposes of consistency. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the claims are respectfully requested.

As to the rejection under 35 U.S.C. § 112, it is submitted that the application, as filed, did describe that the attachment portion of the seal is not detached from the surface when the fastener is loosened. In this regard, the embodiment of Figures 5A and 5B depicts a fastener 46 being loosened. As particularly illustrated in Figure 5B, the attachment portion, that is, the righthand-most portion of the sealing member 12 remains attached to, i.e., is not detached from, the underlying surface 20 even as the fastener 46 is loosened. As depicted by Figures 5A and 5B, the application, as filed, does describe that the attachment portion of the seal is not detached from the surface when the fastener is loosened. It is therefore respectfully submitted that the rejection under 35 U.S.C. § 112 is overcome.

With respect to the rejections under 35 U.S.C. §§ 102(b) and 103(a), the apparatus of independent Claim 9 includes a sealing member having an attachment portion fixed to one of the surfaces and a seal portion connected to the attachment portion and including a deformable segment that is positioned such that the deformable segment is inserted into a receiving aperture. The sealing member also defines an opening. The apparatus of independent Claim 9 also

includes a fastener aligned with the opening in the sealing member and underlying a portion of the deformable segment of the sealing member. As a result of the position of the fastener, the deformable segment of independent Claim 9 is forcibly disengaged from the receiving aperture when the fastener is at least partially loosened. Notably, the forcible disengagement of the deformable segment from the receiving aperture occurs without detaching the attachment portion from the respective surface. As now also set forth by amended independent Claim 9, the attachment portion is securely fixed by a fastening element to one of the surfaces at a location outside of the receiving aperture. With respect to the example embodiment depicted in Figure 2, the attachment portion is securely fixed to one of the surfaces 20 by a fastener 19 at a location outside of and spaced from the receiving aperture 24. In addition, the apparatus of independent Claim 9 has been further amended to recite that the fastener is spaced apart from the fastening element along a length of the sealing member.

None of the cited references teach or suggest an apparatus having: (i) a sealing member that includes an attachment portion that is securely fixed by a fastening element to one of the surfaces at a location outside of the receiving aperture, and (ii) a fastener that is spaced apart from the fastening element along a length of the sealing member, as now set forth by amended independent Claim 9. The Official Action points to the Middione '240 patent for its disclosure of a sealing member with an attachment portion, a receiving aperture and a fastener. In this regard and with reference to Figure 2 of the Middione '240 patent, the Official Action contends that a sealing member 23 is disposed in an aperture defined by two surfaces, that is, interior surfaces of elements 16, 32, 38 and 48. The Middione '240 patent also includes a fastener 29.

However, the Middione '240 patent does not teach or suggest an attachment portion that is securely fixed by a fastening element to one of the surfaces at a location outside of the receiving aperture, as now set forth by amended independent Claim 9. Indeed, in conjunction with the rejection of Claim 14 which further defined the apparatus to include a rivet for fixing the sealing member to one of the surfaces, the Official Action took the recitations relating to a rivet were satisfied by the fastener 26 of the Middione '240 patent. In contrast to the recitations of amended independent Claim 9 which position the fastening element outside of the receiving aperture, however, the fastener 26 of the Middione '240 patent is positioned just the opposite, that is, the fastener of the Middione '240 patent is disposed within the receiving aperture. In

addition, the Middione '240 patent also fails to teach or suggest a fastener that is spaced apart from the fastening element along a length of the sealing member, as now also set forth by amended independent Claim 9. In this regard, the Official Action takes the position that fastener 29 of the Middione '240 patent reads on the fastener of independent Claim 9 and that fastener 26 reads on the fastening element (at least based upon the correlation drawn by the Official Action between the fastener 26 and the rivet of Claim 14). However, fasteners 26 and 29 of the Middione '240 patent are not spaced apart along the length of the sealing member as set forth by amended independent Claim 9. Instead, the fasteners 26 and 29 are aligned or stacked one upon the other as shown in Figure 2.

Not only does the Middione '240 patent fail to teach or suggest a sealing member that includes an attachment portion that is securely fixed by a fastening element to one of the surfaces at a location outside of the receiving aperture, and a fastener that is spaced apart from the fastening element along a length of the sealing member, as now set forth by amended independent Claim 9, but none of the other cited references teach or suggest at least these same recitations of independent Claim 9 and, indeed, none of the other cited references were cited for this proposition. Since none of the references individually teach or suggest a sealing member that includes an attachment portion that is securely fixed by a fastening element to one of the surfaces at a location outside of the receiving aperture, and a fastener that is spaced apart from the fastening element along a length of the sealing member as set forth by independent Claim 9, it follows that no combination of the cited references teaches or suggests independent Claim 9 for at least the same reasons. As such, the rejections of independent Claim 9, as well as the claims which depend therefrom, are respectfully overcome.

Independent Claim 1 has been amended in a comparable manner to that described above in conjunction with independent Claim 9. In this regard, independent Claim 1 now recites that: the attachment portion is securely fixed by a fastening element to one of the surfaces at a location outside of the receiving aperture, and (ii) the fastener is spaced apart from the fastening element along a length of the sealing member. As such, the apparatus of independent Claim 1, as amended, as well as the claims which depend therefrom, is also patentably distinct from the cited references, taken either individually or in combination for at least the same reasons as described

above in conjunction with amended independent Claim 9. Thus, the rejections of independent Claim 1, as well as the claims which depend therefrom, are also overcome.

### **CONCLUSION**

In view of the amendments to the claims and the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

The patentability of the independent claims has been argued as set forth above, and thus Applicants will not take this opportunity to argue the merits of the rejection with regard to specific dependent claims. However, Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of dependent claims at a later date if necessary.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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